

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2003
SESSION LAW 2003-114
SENATE BILL 704

AN ACT TO ESTABLISH THE TRAUMATIC BRAIN INJURY ADVISORY COUNCIL.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 143B of the General Statutes is amended by adding the following new Part to read: "Part 33. North Carolina Traumatic Brain Injury Advisory Council."

"§ 143B-216.65. North Carolina Traumatic Brain Injury Advisory Council -creation and duties.

There is established the North Carolina Traumatic Brain Injury Advisory Council in the Department of Health and Human Services. The Council shall have duties including the following:

(1) Review how the term 'traumatic brain injury' is defined by State and federal regulations and to determine whether changes should be made to the State definition to include 'acquired brain injury' or other appropriate conditions.

(2) Promote interagency coordination among State agencies responsible for services and support of individuals that have sustained traumatic brain injury.

(3) Study the needs of individuals with traumatic brain injury and their families.

(4) Make recommendations to the Governor, the General Assembly, and the Secretary of Health and Human Services regarding the planning, development, funding, and implementation of a comprehensive statewide service delivery system.

(5) Promote and implement injury prevention strategies across the State.

"§ 143B-216.66. North Carolina Traumatic Brain Injury Advisory Council - membership; quorum; compensation.

(a) The Council shall consist of 29 members, appointed as follows:

(1) Three members by the General Assembly, upon the recommendation of the President Pro Tempore of the Senate, as follows:

a. The Executive Director, or designee thereof, of the Brain Injury Association of North Carolina.

b. A nurse with expertise in trauma, neurosurgery, neuropsychology, physical medicine and rehabilitation, or emergency medicine.

c. A physician with expertise in trauma, neurosurgery, neuropsychology, physical medicine and rehabilitation, or emergency medicine.

(2) Three members by the General Assembly, upon the recommendation of the Speaker of the House of Representatives, as follows:

a. The Chair of the Board, or designee thereof, of the Brain Injury Association of North Carolina.

b. A nurse with expertise in trauma, neurosurgery, neuropsychology, physical medicine and rehabilitation, or emergency medicine.

c. A physician with expertise in trauma, neurosurgery, neuropsychology, physical medicine and rehabilitation, or emergency medicine.

(3) Eleven members by the Governor, as follows:

a. Three survivors of brain injury, one each representing the eastern, central, and western regions of the State.

b. Three family members of persons with brain injury.

c. A brain injury service provider in private practice.

d. The director of an area program or county program of mental health, developmental disabilities, and substance abuse services.

e. The Executive Director, or designee thereof, of the North Carolina Academy of Trial Lawyers.

f. The Executive Vice President, or designee thereof, of the North Carolina Medical Society.

g. The President, or designee thereof, of the North Carolina Hospital Association.

(4) Eight members by the Secretary of Health and Human Services, one from each of the following:

a. The Division of Mental Health, Developmental Disabilities, and Substance Abuse Services.

b. The Division of Vocational Rehabilitation.

c. The Council on Developmental Disabilities.

d. The Division of Medical Assistance.

e. The Division of Facility Services.

f. The Division of Social Services.

g. The Office of Emergency Medical Services.

h. The Division of Public Health.

(5) Two members by the Superintendent of Public Instruction, at least one of whom is from the Division of Exceptional Children.

(6) One member by the Commissioner of Insurance.

(7) One member by the Secretary of Administration representing veterans affairs.

(b) The terms of the initial members of the Council shall commence October 1, 2003. In his initial appointments, the Governor shall designate four members who shall serve terms of four years, four members who shall serve terms of three years, and three members who shall serve terms of two years. After the initial appointees' terms have expired, all members shall be appointed for a term of four years. No member appointed by the Governor shall serve more than two successive terms.

Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

(c) The chair of the Council shall be designated by the Secretary of the Department of Health and Human Services from the Council members. The chair shall hold this office for not more than four years.

(d) The Council shall meet quarterly and at other times at the call of the chair. A majority of the Council shall constitute a quorum.

(e) Council members shall be reimbursed for expenses incurred in the performance of their duties in accordance with G.S. 138-5 and G.S. 138-6, as applicable.

(f) The Secretary of the Department of Health and Human Services shall provide clerical and other assistance as needed."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 22nd day of May, 2003.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley Governor

Approved 6:17 p.m. this 31st day of May, 2003